

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES E. PIMPTION,) CASE NO. C06-0629-RSM-MAT
Plaintiff,)
v.)
KAREN NYGAARD, et al.,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION TO STAY PROCEEDINGS

Plaintiff has filed a “motion to set aside for counsel.” (Dkt. #19). In the motion, plaintiff asks the Court to set aside these proceedings so that he may seek counsel to represent him. Plaintiff states that he has communicated with “university legal assistance” in Spokane, Washington and that that organization is willing to represent him if the Court grants permission. (Dkt. #19 at 1). Having reviewed plaintiff’s motion and the balance of the record, the court does hereby find and ORDER as follows:

(1) Plaintiff is advised that he may obtain counsel through his own efforts without the Court's permission. The Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party, such as plaintiff, proceeding *in forma pauperis*, but, as has been previously explained to

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01 plaintiff, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d
02 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe*
03 *v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). The Court has previously ruled that plaintiff has not
04 demonstrated that this case involves exceptional circumstances that warrant appointment of
05 counsel. (Dkt. #18). Therefore, the Court will not request that “university legal assistance”
06 represent plaintiff in this matter. That organization is free to represent plaintiff *pro bono*, or on
07 other terms, if it so chooses.

08 (2) Plaintiff’s request that the Court “set aside” these proceedings so he may obtain
09 counsel is construed as a request to stay this action. So construed, the request (Dkt. #19) is
10 DENIED. If plaintiff succeeds in obtaining counsel, counsel may renew the motion or file a
11 motion to extend the deadlines for discovery previously set by the Court.

12 (3) The Clerk of Court is directed to send a copy of this Order to plaintiff, to counsel
13 for defendant, and to the Honorable Ricardo S. Martinez.

14 DATED this 12th day of September, 2006.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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